

DETAILED ACTION

Claims 1-37 are pending in the instant application.

Election/Restrictions

Applicant's election without traverse of Group 1 (claims 1-19) along with an election of species in the reply filed on February 11, 2008 is acknowledged.

Applicant has made an election of species in the instant case. The search has been expanded to cover the following subgenus of compounds:

A and B are C₀ alkyl;

Y is optionally substituted 2-pyridyl;

X is optionally substituted phenyl;

all other substituents are as defined.

As stated in the lack of unity requirement of January 9, 2008, "the generic structure of Formula I does not have a constant core structure, therefore the species do not have a special technical feature linking them together." The Examiner has set forth currently a subgenus that has a constant core structure and has unity of invention. Applicant is strongly suggest to cancel the subject matter that is outside of the above subgenus and pursue it in a divisional application as it will not be searched in the instant application. Therefore, claims 1-19 (in part) are withdrawn from consideration by the Examiner under 37 CFR 1.142(b) as being drawn to a non-elected invention. Claims 20-37 are currently withdrawn from consideration as being drawn to a non-elected invention, but shall be rejoined once the claims of Group I are allowable such that Groups I and II have unity of invention.

Priority

The claim to priority as a 371 filing of PCT/US03/07074 filed March 7, 2003, which claims priority to 60/363,456 filed March 12, 2002 is granted in the instant application file.

Information Disclosure Statement

The Information Disclosure Statements filed on December 20, 2005 and February 11, 2008 have been considered by the Examiner.

Claim Objections

Claims 1-19 are objected to for containing elected and non-elected subject matter. The non-elected subject matter has been identified supra.

Conclusion

Claims 1-19 are objected to. Claims 1-19 are currently free of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph R. Kosack whose telephone number is (571)272-5575. The examiner can normally be reached on M-Th 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on (571)-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/REI-TSANG SHIAO /
Primary Examiner, Art Unit 1626

/Joseph R Kosack/
Examiner, Art Unit 1626